

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 2, 2023
FREMONT CITY HALL AND
VIRTUAL MEETING VIA ZOOM
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:01 p.m.
- B. Flag Salute:** Councilmember Keng led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao and Salwan

D. Announcements by Mayor/City Manager/City Attorney

Mayor Mei announced the Boards and Commissions vacancies.

City Manager Karena Shackelford introduced City Staff. There were no community announcements.

- E. Report Out of Closed Session – None.**

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes**

- * **B.1. Mayor Mei opened consideration of Approval of Minutes**

See Green Sheet on file regarding correction to April 4, 2023 Special Meeting Minutes.

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council approved minutes for the Special and Regular Meetings of April 4, 2023, and the Regular Meeting of April 18, 2023, including correction.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

* **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Title 18 (Planning and Zoning) Chapter 18.290 of the Fremont Municipal Code to Allow Market Rate Residential Development Projects to Defer Payment of Fees for up to 18 Months and Making Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council waived second reading and adopted Ordinance No. 04-2023 approving the proposed Zoning Text Amendment PLN2023-00216 to amend FMC Chapter 18.290, Development Impact Fees to allow market rate residential development projects to defer payment of development impact fees after building permit issuance.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

* **D. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with Solutions Simplified, for the Annual Software Licenses of the Zscaler Internet Access (ZIA) Web Content Monitoring and Security**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council:

1. Authorized the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with Solutions Simplified, for the Annual Software Licenses of the Zscaler Internet Access (ZIA) Web Monitoring and Security.
2. Authorized the City Manager, or designee, to renew the Annual Software Licenses of the Zscaler Zero Trust Security Platform with Solutions Simplified, for an additional one-year term in an amount not-to-exceed \$45,932.00.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** E. Mayor Mei opened consideration to Authorize the City Manager to Enter into an Amendment with Alameda County for Homeless Housing and Prevention Funds to Support the Housing Navigation Center and Other Services and Make Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager, or her designee, to 1) enter into an amendment for HHAP funding with Alameda County, in an amount not to exceed \$1,314,714, for eligible services, including interim housing such as the Housing Navigation Center, permanent housing, and affordable or supportive housing operating subsidies, from July 1, 2023 to June 30, 2024; 2) further amend this agreement to extend the term through June 30, 2025, and include additional Round 4 funding released by the State; 3) and make findings of CEQA exemption as specified in this Report.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** F. Mayor Mei opened consideration to Approve Purchase Order with Deere & Company for the Purchase of Two Wide Area Lawn Mowers in an Amount Not to Exceed \$170,940.62, through a Cooperative Agreement with Sourcewell; Exempt from CEQA Review per Guideline 15061. (Fleet Vehicles)**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council found the action is exempt from CEQA review per CEQA Guideline 15061 and authorized the City Manager or designee to execute a purchase order with Deere & Company for the purchase of two wide area lawn mowers in an amount not to exceed \$170,940.62

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** G. Mayor Mei opened consideration to Authorize the City Manager or their Designee to enter into an Agreement with EdeColigny Consulting, LLC, for the planning and development of a City-wide Strategic Plan to Respond to Homelessness, in the amount of \$112,000**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager or their Designee to enter into an Agreement with EdeColigny Consulting, LLC, for the planning and development of a City-wide Strategic Plan to Respond to Homelessness, in the amount of \$112,000.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** H. Mayor Mei opened consideration to Authorize the City Manager to Execute Amendments Extending the Term of Agreement with Eden Housing Resident Services, Inc., to Provide Senior Service Coordination Services at Senior Housing Facilities in Fremont through December 2024 and Making Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager, or her designee, to extend the terms of the City’s senior housing service coordination agreement with Eden Housing Resident Services, Inc. (Eden), by two additional one-year terms, in an amount not to exceed \$194,174 for the calendar year of January 1, 2023 through December 31, 2023 and \$205,826 for the calendar year of January 1, 2024 through December 31, 2024, and make findings of CEQA exemption as specified in the staff report.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** I. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with ePlus Technology, Inc., for the Annual Software Licenses of the CrowdStrike Endpoint Detection and Response (EDR) Solution.**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager, or designee, to issue a purchase order and to execute implementing documents with ePlus Technology, Inc., for the Annual Software Licenses of the CrowdStrike Endpoint Detection and Response (EDR) Solution in the amount not-to-exceed \$110,158.43.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** J. Mayor Mei opened consideration of Annual Review and approval of military equipment possessed and utilized by the Fremont Police Department (FPD) for the reporting period of April 2022 to March 2023**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council:

1. Received and approved the Fremont Police Department April 2022 – March 2023 Annual Military Equipment Use Report.
2. Found that each type of Military Equipment identified in the Fremont Police Department April 2022 – March 2023 Annual Military Equipment Use Report has complied with the standards for approval set forth in FMC Chapter 8.80 and the Military Equipment Use Policy.
3. Approved the continued use of the currently authorized military equipment by Fremont Police Department as identified in Exhibit 1 of Fremont Police Department’s Military Use Policy.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** K. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to Execute an Agreement with Axon Enterprise, Inc. for the Provision of In-Car Video, Body-Worn and Interview Room Camera Systems, Digital Evidence Management System, and Conductive Energy Devices, and to Execute Any Implementing Documents and Take Any Implementing Actions as Necessary; Related Appropriation Actions**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council:

1. Authorized the City Manager, or designee, to enter into a ten-year subscription agreement and to execute any implementing documents and take any implementing actions as necessary with Axon Enterprises, Inc. for the purchase of an In-Car Video System, Body-Worn Cameras, Interview Room Camera System, Conductive Energy Devices (Tasers), and Digital Evidence Storage and Management System in an amount not to exceed \$13,640,135.
2. Appropriated \$85,100 in Fund 119 (Department of Justice Federal Asset Forfeiture) and \$19,050 in Fund 250 (Department of Treasury Federal Asset Forfeiture).

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

- * **L. Mayor Mei opened consideration to Appropriate Additional Railroad/Highway At-Grade Crossing Program (Section 130) Federal Grant Funds from the Department of Transportation (Caltrans) in the Amount of \$161,000 for the Dusterberry Way Safety Improvement Project (City Project PWC8964); Find the Action is Exempt from CEQA.**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council:

1. Found the action is exempt from environmental review, as a separate and independent basis for CEQA compliance, under CEQA Guidelines, Section 15378 and Section 15061.
2. Appropriated additional Railroad/Highway At-Grade Crossing Program (Section 130) federal grant funds in the amount of \$161,000 to PWC8964-522.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

- * **M. Mayor Mei opened consideration to Adopt a Resolution Authorizing Fiscal Year 2023/2024 Application for Transportation Development Act Article 3 (TDA3) Grant Funds and Acceptance of \$322,407 in TDA3 Funds for the 2024 Citywide Class IV Bikeway Enhancement Project (PWC8874); Appropriation of Funds; and Make Findings of CEQA Exemption.**

Email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. The following person(s) commented: Keith Parker, Andreas Kadavanich (Bike Fremont), Padma Gopalakrishnan, Robert Prinz (Bike East Bay), William Yragui (Mission Peak Conservancy), Annie, Steve Skala, Vigai Soori, Daniel Karpelevitch and Zee Vastrad. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Campbell, seconded by Councilmember Kassan, the City Council:

1. Found the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that application for grant funding is not an activity that in itself has the potential for causing a significant effect on the environment.
2. Adopted Resolution No. 2023-21 authorizing the City Manager, or her designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$322,407 for the 2024 Citywide Class IV Bikeway Enhancement Project; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.

3. Appropriated any grant funds received to PWC8874 (Bikeway Improvements) in the Transportation Development Act Fund (Fund 521).

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** N. Mayor Mei opened consideration to Authorize the City Manager to Execute FY 2022/23 Standard Service Amendment with Mission Peak Lodge (C & L, LLC), for Temporary Use of Hotel Rooms as Winter Relief Shelter**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager or her designee to amend an agreement with Mission Peak Lodge (C & L, LLC) in an amount not to exceed \$20,000, for a new total not to exceed \$119,000, to provide motel winter relief services as described in this report.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

*** O. Mayor Mei opened consideration to Authorize the City Manager to Execute a Federal Emergency Solutions Grant (ESG) Memorandum of Understanding for the Human Services Department's Family Resource Center to provide Housing Stability Services in Fiscal Year 2022/23 and 2023/24 and Making Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager to execute a Federal Emergency Solutions Grant (ESG) Memorandum of Understanding for the Human Services Department's Family Resource Center to provide housing stability services in Fiscal Year 2022/23 and 2023/24 and making findings of CEQA Exemption.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng,
Campbell, Kassan, Shao, and Salwan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

A. Proclamation: Fremont Bike Month

B. Ceremonial Resolution: American High School Robotics Team #5773 Ink and Metal

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Communications & email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

The following person(s) commented: Dilip Mody and Glen Kirby (Fremont Freewheelers Bicycle Club), Ali Pirooz, Vinay Singh, Andreas Kadavanich (Bike Fremont), Vijai Soori, Norman Howell, Jack Balch, Rimvydas Mickevicius, Annie, Edward Chen, Salim Mastan, Moshe Fuss, Duncan Harris, Kendra Toy, and Wynn Kageyaga (League of American Bicyclists).

5. SCHEDULED ITEMS – None.

6. OTHER BUSINESS

A. **Mayor Mei opened consideration to Receive Progress Report on Sabercat Trail and Irvingtonian Museum Projects; Approve the Recreation Commission Recommendations to Sabercat Historical Park; Authorize the City Manager to Execute Service Agreements to Continue Development of the Sabercat Trail and Irvingtonian Fossil Museum Projects (PWC8977); and Make Findings of CEQA Compliance**

Public Works Director Hans Larsen provided an overview. Staff responded to questions from Councilmembers. Mayor Mei opened public comment. There being no speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Shao, seconded by Councilmember Keng, the City Council approved the following actions related to the Sabercat Trail Extension Project and the Irvingtonian Fossil Museum Project:

1. Find the action is exempt from environmental review under CEQA Guidelines Section 15378(b)(4) and (5). As a separate and independent basis for CEQA compliance, the City Council has adopted the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Sabercat Trail Extension Project in accordance with CEQA Guidelines Section 15074.
2. Approve the Recreation Commission Recommendation to approve a new trail width of 14' in Sabercat Historical Park to be consistent with the Community Connector Trail guideline of the Trail Strategy Plan.
3. Approve the Recreation Commission Recommendation to adopt the Site Master Plan for the Trail Extension and Interpretive Area within Sabercat Historical Park to be constructed as a part of the Sabercat Trail Extension project.
4. Authorize the City Manager or designee to execute Amendment No. 4 to the Design Professional Services Agreement with T.Y. Lin International in an amount not to exceed \$487,000 for engineering services for the Sabercat Trail Extension project (PWC8977).

5. Authorize the City Manager or designee to execute a Services Agreement with Math Science Nucleus in an amount not to exceed \$220,000 for preparation of a Concept Plan of Scientific Content for the Irvingtonian Fossil Museum project (PWC8977).

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
 Noes: None
 Absent: None
 Abstain: None

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals – None.

B. Appointments to Boards, Commissions, Committees

1. Mayor Mei opened consideration of Mayor Mei Referral: Appointment to Advisory Body

Appointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Economic Development Advisory Commission (Commercial/Industrial Representative)	Charles Martinez	12/31/2025

On a motion by Vice Mayor Cox, seconded by Councilmember Campbell, the City Council approved appointment to the Economic Development Advisory Commission as noted in the staff report.

Ayes: Mayor Mei, Vice Mayor Cox, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan
 Noes: None
 Absent: None
 Abstain: None

C. Legislative Actions – None.

D. Report on Committee Assignments

Councilmembers reported on their various meetings.

8. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 9:05 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor